THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.23380 of 2006

27th December 2006

Between:

1. The District Collector, Visakhapatnam.

And three others.

...PETITIONERS

AND

1. R.V.Ramana Murthy, S/o.Late Kesava Rao, Retd., Tahsildar, 61 years, R/o.Plot No.18, Visahalakshi Nagar, Visakhapatnam.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.23380 of 2006

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard the learned Government Pleader for Services II appearing on behalf of the petitioners and Sri S.Siva Prasad, learned counsel appearing on behalf of the contesting respondent. At their request, the Writ Petition itself is taken up for disposal.

The first petitioner-District Collector, Visakhapatnam and other officials filed this Writ Petition, *inter alia*, seeking to assail the order dated 19.09.2006 in O.A.No.8314 of 2000 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity) in allowing the application filed by the first respondent assailing the action of the petitioners in not paying the arrears of pension and other terminal benefits as illegal. After taking into consideration the respective submissions, the Tribunal acceded to the said request and also awarded interest @ 18% per annum on the said arrears of pension and other terminal benefits. It is only against awarding

interest @ 18% per annum on the arrears of pension and other terminal benefits, the petitioners filed this Writ Petition on the ground that the same is quite excessive. Hence, the Writ Petition.

Having heard the learned counsel on either side and on perusal of the material available on record, it is seen that since the question involved is only in regard to awarding interest @ 18% on the arrears of pension and other terminal benefits, it is not necessary to go into the merits of the case. Further, there is no dispute in regard to entitlement of terminal benefits as ordered by the Tribunal. However, taking into consideration the totality of circumstances and the delay, which was no doubt occurred in making the payment, it would suffice the interest of justice to award interest @ 12% only on the arrears of pension and other terminal benefits.

The Writ Petition is accordingly partly allowed confirming the order of the Tribunal in regard to payment of arrears of pension and other terminal benefits. However, the first respondent shall be entitled to interest @ 12% per annum on such amounts. It is needless to mention that while calculating the arrears to which the first respondent is entitled; the petitioners shall also take into consideration the

variation in regard to the scales of pay. The petitioners shall make the payment of all these amounts within a period of two {2} months from today. No costs.

(B.PRAKASH RAO, J)

(M.VENKATESWARA REDDY, J)

27th December 2006
RRB